

**FILED**

IN THE UNITED STATES DISTRICT COURT **MAY 01 2018**  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

Clerk, U.S. District Court  
District Of Montana  
Missoula

DANNY LEE WARNER,

Plaintiff,

vs.

CHUCK CURRY, JENNIFER ROOT,  
JAMES DUSING, TAMMY BOWEN,  
SGT. SCHUELEN, and CBM  
MANAGED SERVICES,

Defendants.

CV 17-00104-M-DLC-JCL

FINDINGS AND RECOMMENDATIONS  
OF UNITED STATES MAGISTRATE  
JUDGE

Plaintiff Danny Warner has filed an Emergency Motion for TRO, Injunction and Order to Show Cause. (Doc. 31.) Warner seeks an order directing Warden Salmonson to stop Montana State Prison employees from retaliating and harassing Warner and to require Warden Salmonson to give Warner his legal materials. As a general rule courts are unable to issue orders against individuals who are not parties to a suit pending before it. *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 395 U.S. 100 (1969); *Zepeda v. United States Immigration Service*, 753 F.2d 719, 727 (9th Cir. 1985) (“A federal court may issue an injunction if it has personal jurisdiction over the parties and subject matter jurisdiction over the claim; it may not attempt to determine the rights of persons not before the court.”). Here, the

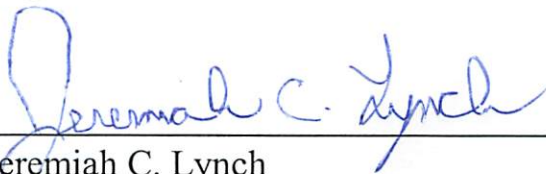
individuals against whom Warner seeks injunctive relief are not parties to this case.

Accordingly, the Court issues the following:

**RECOMMENDATIONS**

Warner's Emergency Motion for TRO, Injunction and Order to Show Cause (Doc. 31) should be DENIED.

DATED this 1<sup>st</sup> day of May, 2018.

  
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Jeremiah C. Lynch  
United States Magistrate Judge